

Remarks

Claims 29-37, 40-46, and 48 are pending in the application. Applicant requests the Examiner reevaluate the rejections of the pending claims in view of the following remarks.

The pending claims stand rejected under as being anticipated or obvious in view of Nakamura (US 6,232,629) or Aoki et al. (US 6,033,953).

The pending claims are anticipated "only if each and every element as set forth in the claims are found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Further, in order to establish a prima facie case of obviousness all of the claimed limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580, 582-3 (CCPA 1974). The pending claims are allowable for at least this reason the cited references fail to teach or suggest all of there elements.

As an example, Independent claims 29, 40, and 44 each recite "dome-shaped tops" in the context of "columnar pedestals." Columnar pedestals exemplary of this feature are depicted in Fig. 4 of the originally filed specification. Neither of the cited references teach or suggest such pedestals.

Nakamura describes columnar crystal structures in reference to Fig. 2. However, this is insufficient to indicate dome-shaped tops for at least the reason that a dome is a three dimensional object that cannot be enabled from a single two-dimensional

drawing. Fig. 2 of Nakamura can easily be considered rows of columnar crystal structures rather than columnar crystal structures terminating in dome-shaped tops. For at least these reasons Nakamura does not teach the feature dome-shaped tops.

Further, Aoki cannot be considered to teach or suggest dome-shaped tops when considered as a whole. Aoki describes convex parts with pointed end (38a) existing on the surface of the first electrode that is very finely polished uniformly by dissolving according to electropolishing (sic), a spherical curved surface in which the radius of curvature has been enlarged is formed, and the surface of the first electrode is flattened. A flattened top cannot be considered a dome-shaped top. For at least this reason Aoki does not teach the feature dome-shaped tops.

For at least the reason claimed independent claims 29, 40, and 44 each recite a feature that is neither taught nor suggested by the cited references, these claims are allowable. Respectively, claims 30-37, 41-43, and 44-46, and 48 depend from these independent claims and are allowable for at least the reasons given above for claims 29, 40, and 44. Furthermore, the pending claims are allowable for the reasons given in the response of January 30th, 2006.

Applicant requests allowance of claims 29-37, 40-46, and 48 in the Examiner's next action. If the Examiner's next action is to be anything other than a Notice of Allowance, the Applicant respectfully requests a telephone interview prior to issuance of any such subsequent action. The undersigned is available for telephone consultation at (509) 624-4276 Monday through Friday, 8:00 a.m.-5:00 p.m. (PST).

Respectfully submitted,

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By: 

Robert C. Hyta
Reg. No. 46,791